

104TH CONGRESS
2D SESSION

S. 2091

To provide for small business and agriculture regulatory relief.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 1996

Mr. PRESSLER (for himself and Mr. HARKIN) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To provide for small business and agriculture regulatory
relief.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business and
5 Farm Transportation Regulatory Relief Act”.

6 **TITLE I—SMALL BUSINESS**

7 **SEC. 101. SHORT TITLE.**

8 This title may be cited as the “Small Business Regu-
9 latory Relief Act of 1996”.

1 **SEC. 102. FINDINGS.**

2 The Congress finds that—

3 (1) the Secretary of Transportation is consider-
4 ing, as part of a proposed rulemaking, expanding the
5 exceptions provided for transportation of small quan-
6 tities of hazardous materials from unnecessary and
7 burdensome regulations;

8 (2) certain businesses, and especially small
9 businesses, transport small quantities of some haz-
10 ardous materials which pose minimal risks to public
11 safety and property;

12 (3) small businesses are critical in creating jobs
13 in the United States economy and can be signifi-
14 cantly affected by Federal regulations; and

15 (4) regulatory relief for small businesses trans-
16 porting relatively small quantities of hazardous ma-
17 terials should be promptly acted on and the Sec-
18 retary has stated an intention to issue a final rule
19 to provide this regulatory relief by December 31,
20 1996.

21 **SEC. 103. MATERIALS OF TRADE EXCEPTIONS FROM HAZ-**
22 **ARDOUS MATERIALS TRANSPORTATION RE-**
23 **QUIREMENTS.**

24 (a) DEADLINE FOR ISSUANCE OF FINAL RULE.—Not
25 later than December 31, 1996, the Secretary of Transpor-
26 tation shall issue, under the rulemaking proceeding under

1 docket number HM–200, entitled “Hazardous Materials
 2 in Intrastate Transportation”, a final rule relating to ma-
 3 terials of trade exceptions from chapter 51 of title 49,
 4 United States Code, and regulations issued pursuant
 5 thereto. The final rule shall substantially address the ma-
 6 terials of trade exceptions contained in the proposed rule
 7 relating to hazardous materials in intrastate transpor-
 8 tation published in the Federal Register on March 20,
 9 1996 (61 Fed. Reg. 11489-11490) and shall take into ac-
 10 count any modifications of the proposed rule that are nec-
 11 essary and appropriate to reflect comments received by the
 12 Secretary on the proposed rule.

13 (b) EFFECTIVE DATE.—The final rule issued under
 14 subsection (a) shall become effective not later than 90
 15 days after the date of publication of the final rule.

16 (c) TRAINING OF INSPECTORS.—Before the effective
 17 date of the final rule issued under subsection (a), the Sec-
 18 retary shall provide sufficient training to inspectors nec-
 19 essary to implement the final rule.

20 **TITLE II—AGRICULTURE**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Farm Transportation
 23 Regulatory Relief Act”.

1 **SEC. 202. LIMITATION ON REGULATION OF AGRICULTURAL**
 2 **PRODUCTION MATERIAL TRANSPORTATION;**
 3 **EXISTING STATE EXEMPTIONS.**

4 (a) IN GENERAL.—Any regulation issued by the De-
 5 partment of Transportation relating to the transportation
 6 of agricultural production material as a hazardous mate-
 7 rial under chapter 51 of title 49, United States Code, shall
 8 not prohibit a State from—

9 (1) providing an exception from the hazardous
 10 materials transportation regulations for farmers and
 11 retailers who are providing not-for-hire intrastate
 12 transportation of an agricultural production material
 13 from a source of retail supply to a farm, from a
 14 farm to another farm, from a field to another field
 15 on a farm, or from the farm back to the source of
 16 retail supply, as long as any such exception is not
 17 inconsistent with the tolerance guidelines and proce-
 18 dures specified in Appendix C to Part 350 of the
 19 Federal Motor Carrier Safety Regulations (49
 20 C.F.R. 350.1 et seq.); or

21 (2) maintaining an exception, under State law
 22 or regulation, in effect on the date on which the
 23 rules contained in the Department of Transportation
 24 regulation take effect.

25 (b) AGRICULTURAL PRODUCTION MATERIAL DE-
 26 FINED.—In this section, the term “agricultural production

- 1 material” means hazardous material, including pesticides,
- 2 fertilizers, fuels, and other products used to support the
- 3 production of an agricultural commodity.

